IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION

JUSTIN CARRASCO,		§	
Plaintiff,		§ §	
v.		§	CIVIL NO: 2:15-CV-145
YELLOWJACKET OILFIELD	§	8	
SERVICES, LLC	3	§ §	
Defendant.		§ §	

The Court is in receipt of ten consent forms signed by nonparties to this action. Dkt. Nos. 4, 8. These forms generally evince the signer's putative consent to join a collective action against Defendant under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). See, e.g., Dkt. No. 4 Ex. A at 1. While Plaintiff filed his complaint on March 26, 2015, seeking to bring a collective action under the FLSA, see Dkt. No. 1 at 1, this Court has not certified, even preliminarily, a collective action. See generally Mooney v. Aramco Services Co., 54 F.3d 1207, 1213–15 (5th Cir. 1995). The filing of these notices therefore raises the possibility that each putative opt-in plaintiff will forgo his or her right to bring an individual FLSA claim, believing that the Court has certified this case as a collective action. Indeed, at least three other individuals have filed FLSA claims against Defendant since November 2014. See Peterson v. Yellowjacket Oilfield Servs., LLC, No. 6:14-CV-66 (S.D. Tex. Jan. 5, 2015) (filed Nov. 22, 2014); Fausnight v. Yellowjacket Oilfield Servs., LLC, No. 2:15-CV-66 (S.D. Tex. Mar. 10, 2015) (filed Jan. 30, 2015); Mitchell v. Yellowjacket Oilfield Servs., LLC, No. 2:15-CV-163 (S.D. Tex. Apr. 16, 2015) ((Tagle, J., presiding) (filed Apr. 7, 2015).

ORDER

Additionally, Defendant filed its answer on April 21, 2015. Dkt. No. 6. The Court therefore finds that no good reason exists to delay submission of a case management plan until the current deadline of July 31, 2015. *See* Dkt. No. 3 at 1.

Accordingly, the Court ORDERS the parties to confer in accordance with Federal Rule of Civil Procedure 26(f) and submit a joint discovery/case management plan within twenty-one days after the entry of this order. The Court further ORDERS that, within seven days after the entry of this order, Plaintiff's attorney-in-charge must show cause why the notices of consent filed March 27, 2015, and April 22, 2015, Dkt. Nos. 4, 8, should not be stricken from the record and counsel be directed to advise each person named in those notices that this case has not been certified as an FLSA collective action and that he or she has a right to bring an individual claim under the FLSA.

SIGNED this 23rd day of April, 2015.

Hilda Tagle

Senior United States District Judge